

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE ESTATE OF ADRIAN CRUZ,

22-cv-10515 (JGK)

Plaintiff,

ORDER

- against -

ST. VINCENT DE PAUL RESIDENCE, ET  
AL.,

Defendants.

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JOHN G. KOELTL, District Judge:

The defendants have asked the Court to hold in abeyance anticipated motion practice and/or consideration of remand in this case pending decisions by the Court of Appeals for the Second Circuit in Leroy v. Hume, Nos. 21-2158, 21-2159 (cons.), Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center, No. 21-2164, and Solomon v. St. Joseph Hospital, No. 21-2729. See No. 22-cv-10515, Dkt. 6. The plaintiff has opposed the motion and has asked the Court to set a briefing schedule for the plaintiff's motion to remand the case to state court due to lack of subject matter jurisdiction. Dkt. 8.


"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants." Louis Vuitton Malletier S.A. v. LY USA, Inc., 676 F.3d 83, 96 (2d Cir. 2012) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)). A court may "properly exercise its staying power when a higher court is close to settling an important issue of law bearing on the action." In re George

Washington Bridge Bus Station Dev. Venture LLC, No. 21-cv-8069, 2022 WL 3363582, at \*1 (S.D.N.Y. July 9, 2022). This is such a case. The determinations by the Court of Appeals in Leroy, Rivera-Zayas, and Solomon are likely to bear on whether this Court has subject matter jurisdiction over this case, which will directly bear on the plaintiff's motion to remand. Therefore, this case is **stayed** pending the decisions by the Court of Appeals in those cases. In so ruling, the Court joins the several other courts in the Southern and Eastern Districts of New York that have stayed motion practice in similarly situated cases. See, e.g., Est. of Shirley Brito v. Harlem Ctr. for Nursing and Rehab., No. 22-cv-9937, Dkt. 12 (S.D.N.Y. Dec. 14, 2022) (Engelmayer, J.); Est. of Victor E. Ortiz v. Bronx Harbor Health Care Complex, Inc., No. 22-cv-9348, Dkt. 6 (S.D.N.Y. Nov. 9, 2022) (Rochon, J.); Cusimano v. Eastchester Rehab. & Health Care Ctr., No. 22-cv-6453, Dkt. 15 (S.D.N.Y. Aug. 29, 2022) (Cote, J.); see also No. 22-cv-10515, Dkt. 6-1 (listing stays).

The parties are directed to advise the Court promptly of any developments. The Clerk of the Court is directed to close Dkt. 6 in No. 22-cv-10515.

**SO ORDERED.**

**Dated: New York, New York  
December 23, 2022**

  
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**John G. Koeltl**  
**United States District Judge**